

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NANCY ELLEN VANCE,

Plaintiff,

No. 08-CV-10632-DT

vs.

Hon. Gerald E. Rosen

CHARLES ODELL LATIMER,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION REGARDING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT ON COUNTS VII, VIII AND IX OF THE VERIFIED COMPLAINT

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on August 11, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This matter is presently before the Court on the July 6, 2009 Report and Recommendation of United States Magistrate Judge Paul J. Komives. In this R&R, the Magistrate Judge recommends that the Court grant Plaintiff's motion for summary judgment on her claims for declaratory judgment of ownership of *pro se* Defendant Charles Odell Latimer's music and musical works (Count VIII) and for a declaration that Plaintiff is entitled to 20% of Defendant's earnings from musical performances from September 29, 2005 and beyond (Count IX), but that the Court deny Plaintiff's request for an accounting (Count VII). No timely objections to the R&R have been filed.

Having reviewed and considered the Magistrate Judge's Report and

Recommendation and the Court's entire file of this matter, the Court concurs in the Magistrate Judge's recommendation. Therefore,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of July 6, 2009 [**Dkt. # 14**] is adopted by the Court.

IT IS FURTHER ORDERED that, for the reasons stated in the Report and Recommendation, Plaintiff's motion for (partial) summary judgment on Counts VII, VIII and IX [**Dkt. # 11**] is granted in part, and denied in part. Summary judgment is GRANTED in favor of Plaintiff on her claims in Counts VIII and IX for declaratory judgment of ownership of the Defendant's music and musical works and for a declaration that she is entitled to 20% of Defendant's earnings from musical performances since September 29, 2005. Summary judgment, however, is DENIED with respect to Plaintiff's Count VII claim for an accounting.

The Court also concurs in the Magistrate Judge's referral of this case to the Michigan Trial Lawyer's Pro Bono in anticipation of trial.

SO ORDERED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: August 11, 2009

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Hattem A. Beydoun; Jeffrey P. Thennisch, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

Charles Latimer, P.O. Box 14065, Detroit, MI 48214.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(313) 234-5137